

LAW OFFICES OF
LOUIS E. GITOMER, LLC.

LOUIS E. GITOMER
Lou@lgraillaw.com

MELANIE B. YASBIN
Melanie@lgraillaw.com
410-296-2225

October 21, 2011

Cynthia T. Brown
Chief of the Section of Administration, Office of Proceedings
Surface Transportation Board
395 E Street, S.W.
Washington, D.C. 20423

Re: **Docket No. AB-55 (Sub-No. 713X), CSX Transportation, Inc.—Abandonment
Exemption—in Monroe County, AL**

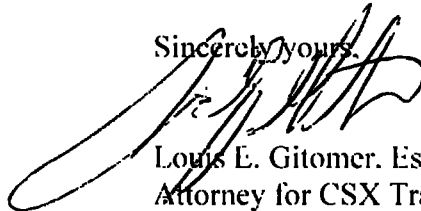
Dear Ms. Brown,

Enclosed are the original and 10 copies of a Verified Notice of Exemption for CSX Transportation, Inc. ("CSXT") to abandon an approximately 1.5-mile rail line on its Southern Region, Atlanta Division, Southern Alabama Subdivision, between milepost ORA 676.27 and milepost ORA 677.79, at the end of the track, in Hybart, Monroe County, AL. Also enclosed are a check for the filing fee of \$3,600, and a computer diskette containing the Notice in WORD and pdf format.

Please time and date stamp the additional copy of this letter and Notice and return it in the enclosed prepaid envelope.

Thank you for your assistance. If you have any questions, please contact me.

Sincerely yours,



Louis E. Gitomer, Esq.
Attorney for CSX Transportation, Inc.

Enclosure

RECEIVED
OCT 21 2011
MANAGEMENT

600 BALTIMORE AVENUE, SUITE 301
TOWSON, MARYLAND 21204-4022
(410) 296-2250 • (202) 466-6532
FAX (410) 332-0885

FILED

OCT 21 2011

**SURFACE
TRANSPORTATION BOARD**

FREE RECEIVED

OCT 21 2011

**SURFACE
TRANSPORTATION BOARD**

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BEFORE THE
SURFACE TRANSPORTATION BOARD

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ABANDONMENT
53

Docket No. AB-55 (Sub-No. 713X)

CSX TRANSPORTATION, INC.—ABANDONMENT EXEMPTION—
IN MONROE COUNTY, AL.

VERIFIED NOTICE OF EXEMPTION

FEE RECEIVED
OCT 21 2011
SURFACE
TRANSPORTATION BOARD

FILED
OCT 21 2011
SURFACE
TRANSPORTATION BOARD

Kathryn Barney, Esq.
CSX Transportation, Inc.
500 Water Street
Jacksonville, FL 32202
(904) 359-1305

Louis E. Gitomer, Esq.
Melanie B. Yasbin, Esq.
Law Offices of Louis E. Gitomer, I.L.C.
600 Baltimore Avenue, Suite 301
Towson, MD 21204
(410) 296-2250
Lou@lgrailaw.com

Attorneys for: CSX TRANSPORTATION,
INC.

Dated: October 21, 2011

BEFORE THE
SURFACE TRANSPORTATION BOARD

Docket No. AB-55 (Sub-No. 713X)

CSX TRANSPORTATION, INC.–ABANDONMENT EXEMPTION–
IN MONROE COUNTY, AL

VERIFIED NOTICE OF EXEMPTION

CSX Transportation, Inc. (“CSXT”) files this Verified Notice of Exemption pursuant to the class exemption at 49 C.F.R. § 1152.50 for CSXT to abandon an approximately 1.5-mile rail line on its Southern Region, Atlanta Division, Southern Alabama Subdivision, between milepost ORA 676.27 and milepost ORA 677.79, at the end of the track, in Hybart, Monroe County, AL (the “Line”). No local rail traffic has moved over the Line during the past two years. Any overhead traffic on the Line can be and has been rerouted.

Based on information in the possession of CSXT, the Line does not contain federally granted rights-of-way. Any documentation in the railroad’s possession will be made available promptly to those requesting it.

1. Proposed consummation date. The proposed consummation date is December 10, 2011.
2. Certification required by 49 C.F.R. § 1152.50(b). *See* Exhibit A.
3. Information required by 49 C.F.R. § 1152.22(a)(1) through (4), (7), and (8), and (e)(4).

(a) General.

- (1) Exact name of applicant. CSX Transportation, Inc.

(2) Whether applicant is a common carrier by railroad subject to 49 U.S.C.

Subtitle IV, Chapter 105. CSXT is a common carrier by railroad subject to 49 U.S.C. Subtitle IV, Chapter 105.

(3) Relief sought. CSXT seeks to use the class exemption at 49 C.F.R. § 1152.50 to abandon an approximately 1.5-mile rail line on its Southern Region, Atlanta Division, Southern Alabama Subdivision, between milepost 0RA 676.27 and milepost 0RA 677.79, at the end of the track, in Hybart, Monroe County, AL. There are no stations on the Line.

(4) Map. *See* Exhibit B.

(7) Name, title, and address of representative of applicant to whom correspondence should be sent. Louis E. Gitomer, Law Offices of Louis E. Gitomer, LLC, 600 Baltimore Avenue, Suite 301, Towson, MD 21204, (410) 296-2250. Lou@lgraillaw.com.

(8) List of all United States Postal Service ZIP Codes that the line proposed for discontinuance traverses. The Line traverses U.S. Postal ZIP Code 36481.

(e) Rural and community impact.

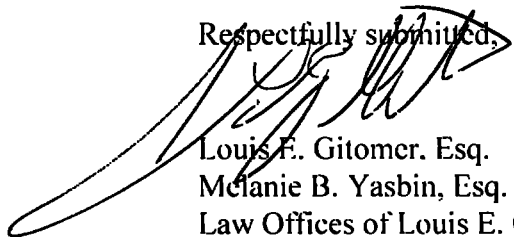
(4) Statement of whether the properties proposed to be discontinued are appropriate for use for other public purposes, including roads and highways, other forms of mass transportation, conservation, energy production or transmission, or recreation. If the applicant is aware of any restriction on the title to the property, including any reversionary interest, which would affect the transfer of title or the use of property for other than rail purposes, this shall be disclosed.

CSXT does not believe that the Line is appropriate for other public purposes. The Line may be subject to reversionary interests.

4. The level of labor protection. The interests of any railroad employees who may be adversely affected by the proposed abandonment will be adequately protected by the labor protective conditions in *Oregon Short Line R. Co. –Abandonment–Goshen*, 360 I.C.C. 91 (1979).
5. Certification. Certificates of compliance with the notice requirements of 49 C.F.R. §§ 1152.50(d)(1) and 1105.11 are attached as Exhibit C.
6. Environmental Report. See Exhibit D.
7. Historic Report. See Exhibit E.

Kathryn Barney, Esq.
CSX Transportation, Inc.
500 Water Street
Jacksonville, FL 32202
(904) 359-1305

Respectfully submitted,



Louis E. Gitomer, Esq.
Melanie B. Yasbin, Esq.
Law Offices of Louis E. Gitomer
600 Baltimore Avenue, Suite 301
Towson, MD 21204
(410) 296-2250
Lou@lgraillaw.com

Attorneys for: CSX TRANSPORTATION.
INC.

Dated: October 21, 2011

EXHIBIT A-VERIFICATION AND CERTIFICATION

**VERIFICATION AND CERTIFICATION THAT RAIL LINE MEETS
CRITERIA OF 49 C.F.R. SECTION 1152.50(b)**

STATE OF FLORIDA)
)
COUNTY OF DUVAL) ss.

I, Ellen M. Preslar, being duly sworn, depose and state that I am Manager Regulatory Costing for Network Rationalization of CSX Transportation, Inc. ("CSXT"); that I am authorized to make this verification; and that I have read the foregoing Notice of Exemption and know the facts asserted therein are true and accurate as stated, to the best of my knowledge, information, and belief.

I hereby certify that no local traffic has moved over CSXT's approximately 1.5-mile rail line on its Southern Region, Atlanta Division, Southern Alabama Subdivision from Railroad Milepost ORA 676.27 to Railroad Milepost ORA 677.79 in Hybart, Monroe County, Alabama, for at least two years prior to the date hereof. Since this is not a through line, no overhead traffic has operated; therefore, none needs to be rerouted over other lines. Further, no formal complaint filed by a user of rail service on the line (or a State or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Surface Transportation Board or any U.S. District Court or has been decided in favor of a complainant within the two-year period. The foregoing certification is made on behalf of CSXT by the undersigned after due and careful investigation of the matters herein certified and based on the best of the knowledge, information, and belief of the undersigned.

Ellen M. Preslar
Ellen M. Preslar

SUBSCRIBED AND SWORN TO before me this 20th day of September 2011.

My Commission Expires: July 31, 2015

Gloria Mannon
Notary Public

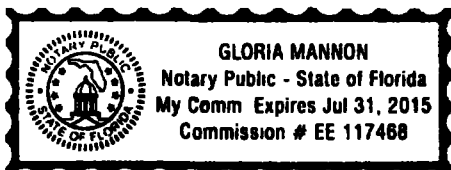


EXHIBIT B-MAP

EXHIBIT C-CERTIFICATES OF SERVICE AND PUBLICATION

Pursuant to 49 C.F.R. § 1152.50 (d) (1), the undersigned hereby certifies that notice of the proposed abandonment in Docket No. AB-55 (Sub-No. 713X) was mailed via first class mail on October 7, 2011, to the following parties:

State Public Service Commission

Lucy Baxley
President
Alabama Public Service Commission
PO Box 304260
Montgomery, AL 36104

Military Traffic Management Command

Headquarters
Military Surface Deployment and Distribution Command
Transportation Engineering Agency
ATTN: SDTF-SA (Railroads for National Defense)
709 Ward Drive, Building 1990
Scott AFB, 62225-5357

National Park Service

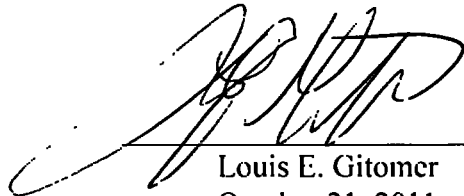
Mr. Rick Potts
Chief, Conservation and Outdoor Recreation Division
Rivers, Trails and Conservation Assistance Program National Park Service
1849 C Street, N.W. (Org Code 2220)
Washington, DC 20240

National Park Service

U.S. Department of Interior
National Park Service
Land Resources Division
1849 C Street, N.W.
Washington, DC 20240

U.S. Department of Agriculture

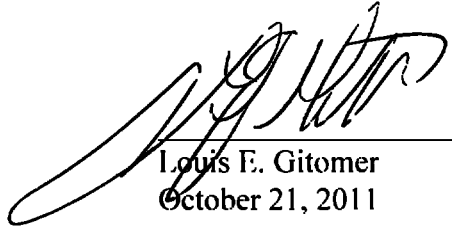
U.S. Department of Agriculture
Chief of the Forest Service
1400 Independence Avenue, S.W.
Washington, DC 20250-0003



Louis E. Gitomer
October 21, 2011

CERTIFICATE OF PUBLICATION

The undersigned hereby certifies that notice of the proposed abandonment in Docket No. AB-55 (Sub-No. 713X) in the following form was advertised on October 20, 2011 in The Monroe Journal, a newspaper of general circulation in Monroe County, AL, as required by 49 C.F.R. § 1105.7(c) and .12.



Louis E. Gitomer
October 21, 2011

Notice of Intent to Abandon

CSX Transportation, Inc. ("CSXT") gives notice that on or about October 21, 2011, it intends to file with the Surface Transportation Board, Washington, DC 20423, a notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments permitting the abandonment of an approximately 1.5-mile rail line on its Southern Region, Atlanta Division, Southern Alabama Subdivision, between milepost ORA 676.27 and milepost ORA 677.79, at the end of the track, which traverses through United States Postal Service ZIP Code 36481 in Hybart, Monroe County, AL. The proceeding will be docketed as No. AB-55 (Sub-No. 713X).

The Board's Office of Environmental Analysis (OEA) will generally prepare an Environmental Assessment (EA), which will normally be available 25 days after the filing of the notice of exemption. Comments on environmental and energy matters should be filed no later than 15 days after the EA becomes available to the public and will be addressed in a Board decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to the OEA, Surface Transportation Board, Washington, DC 20423 or by calling that office at (202) 245-0295.

Appropriate offers of financial assistance to continue rail service can be filed with the Board. Requests for environmental conditions, public use conditions, or rail banking/trails use also can be filed with the Board. An original and 10 copies of any pleading that raises matters other than environmental issues (such as trails use, public use, and offers of financial assistance) must be filed directly with the Board's Section of Administration, Office of Proceedings, 395 E Street, SW, Washington, DC 20423-0001 [See 49 CFR 1104.1(a) and 1104.3(a)], and one copy must be served on applicant's representative [See 49 CFR 1104.12(a)]. Questions regarding offers of financial assistance, public use or trails use may be directed to the Board's Office of Public Assistance, Governmental Affairs, and Compliance at (202) 245-0238. Copies of any comments or requests for conditions should be served on the applicant's representative: Louis E. Gitomer, 600 Baltimore Avenue, Suite 301, Towson, MD 21204, (410)296-2250, Lou@lgrailaw.com.

EXHIBIT D– ENVIRONMENTAL REPORT

ENVIRONMENTAL REPORT CERTIFICATE OF SERVICE

Pursuant to the requirements of 49 C.F.R. § 1105.7, the undersigned hereby certifies that a copy of the Environmental Report in Docket No. AB-55 (Sub-No. 713X) was mailed via first class mail on September 26, 2011 to the following parties:

U.S. Fish & Wildlife Service
Southeast Region 4
701 San Marco Blvd, Suite 7 West
Jacksonville, FL 32207-8196

U.S. Corps of Engineers
Mobile District
P.O. Box 2288
Mobile, AL 36628-0001

U.S. EPA
Region 4
Sam Nunn Atlanta Federal Center
61 Forsyth Street, SW
Atlanta GA 30303

National Park Service
100 Alabama Street, SW
1924 Building
Atlanta, GA 30303

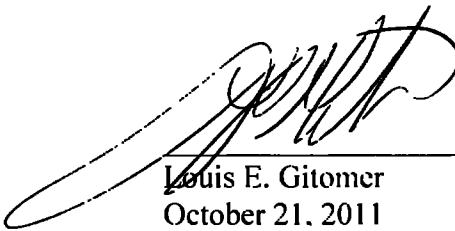
U.S. Department of Agriculture
Natural Resources Conservation Service
P.O. Box 311
Auburn, AL 36831-0311

National Geodetic Survey
Simon.Monroc@noaa.gov

Alabama Department of Transportation
1409 Coliseum Blvd.
Montgomery, AL 36110

Alabama Department of Environmental Management
Mobile Coastal Field Office
4171 Commanders Drive
Mobile, AL 36615

Monroeville/Monroe County
P.O. Box 8
Monroeville, AL 36461-0008



Louis E. Gitomer
October 21, 2011

ENVIRONMENTAL REPORT

CSX TRANSPORTATION, INC. Hybart, Monroe County, Alabama Docket AB-55 (Sub-No. 712X)

The following information is provided in accordance with 49 C.F.R. Section 1105.7:

(1) PROPOSED ACTION AND ALTERNATIVES

Describe the proposed action, including commodities transported, the planned disposition (if any) of any rail line and other structures that may be involved, and any possible changes in current operations or maintenance practices. Also describe any reasonable alternatives to the proposed action. Include a readable, detailed map and drawings clearly delineating the project.

CSXT proposes to abandon approximately 1.5 miles of its rail line between from Railroad Milepost 0RA-676.27 to Railroad Milepost 0RA-677.79, in Hybart, Monroe County, Alabama.

Notice of Exemption Language:

The above referenced 1.5-mile line has not generated any originating or terminating traffic in over 2 years.

Abandonment of this line will result in the removal of the rail, crossties, and possibly the upper layer of ballast. CSXT does not intend to disturb any sub grade or sub grade structures. Finally, the operations and maintenance of this line will cease.

The only alternative would be not to abandon and to pass the opportunity costs of retaining the line to all other CSXT customers. This would not be a prudent utilization of carrier resources.

Two maps which delineate the proposed project are attached. (See Attachments 1 and 2)

Further attached is a distribution list of all parties who have received a copy of this report. (See Attachment 3)

(2) TRANSPORTATION SYSTEM

Describe the effects of the proposed action on regional or local transportation systems and patterns. Estimate the amount of traffic (passenger or freight) that will be diverted to other transportation systems or modes as a result of the proposed action.

There is no passenger or freight traffic on this line. Since there has not been any traffic on this line in over 2 years, there will be no effect on existing regional or local transportation systems or patterns.

(3) LAND USE

- (i) Based on consultation with local and/or regional planning agencies and/or a review of the official planning documents prepared by such agencies, state whether the proposed action is consistent with existing land use plans. Describe any inconsistencies.**

Applicant has not received a response to its September 9, 2011 inquiry to MONROEVILLE/MONROE COUNTY requesting information regarding this statement. (See Attachment 4)

Based on the fact that the line has not generated any traffic in over 2 years, Applicant believes the proposed action is not inconsistent with local land use plans.

- (ii) Based on consultation with the U. S. Soil Conservation Service, state the effect of the proposed action on any prime agricultural land.**

Applicant has not received a response to its September 9, 2011 inquiry to the U.S. Department of Agriculture, Natural Resources Conservation Service in Auburn, AL requesting information regarding this statement. (See Attachment 5)

While some prime farmland may exist in the vicinity of this project, Applicant feels the simple removal of track material should not have an adverse impact.

- (iii) **If the action affects land or water uses within a designated coastal zone, include the coastal zone information required by 1105.9.**

Applicant has not received a response to its September 9, 2011 inquiry to the NATIONAL PARK SERVICE in Atlanta, GA requesting information regarding this statement. (See Attachment 6)

Applicant feels that the simple removal of track material should not have an adverse impact on any coastal zone, land or water uses.

- (iv) **If the proposed action is an abandonment, state whether or not the right of way is suitable for alternative public use under 49 U.S.C. 10906 and explain why.**

The properties proposed to be abandoned may be suitable for other public purposes, but may be subject to reversionary interests that may affect transfer of title for other than rail purposes.

(4) ENERGY

- (i) **Describe the effect of the proposed action on transportation of energy resources.**

The proposed action will have no effect on the movement and/or recovery of energy resources.

- (ii) **Describe the effect of the proposed action on recyclable commodities.**

The proposed action will have no effect on the movement and/or recovery of recyclable commodities.

- (iii) **State whether the proposed action will result in an increase or decrease in overall energy efficiency and explain why.**

The proposed action will not result in an increase or decrease in overall energy efficiency.

- (iv) **If the proposed action will cause diversions from rail to motor carriage of more than: (A) 1,000 rail carloads a year; or (B) an average of 50 rail carloads per mile per year for any part of the affected line, quantify the resulting net change in energy consumption and show the data and methodology used to arrive at the figure given.**

There will be no diversion of rail traffic to motor carriage.

(5) AIR

- (i) If the proposed action will result in either: (A) an increase in rail traffic of at least 100% (measured in gross ton miles annually) or an increase of at least eight trains a day on any segment of rail line affected by the proposal, or (B) an increase in rail yard activity of at least 100% (measured by carload activity), or (C) an average increase in truck traffic of more than 10% of the average daily traffic or 50 vehicles a day on any affected road segment, quantify the anticipated effect on air emissions.**

The above thresholds will not be exceeded.

- (ii) If the proposed action affects a class I or non-attainment area under the Clean Air Act; and will it result in either: (A) an increase in rail traffic of a least 50% (measured in gross ton miles annually) or an increase of at least three trains a day on any segment of rail line, or (B) an increase in rail yard activity of a least 20% (measured by carload activity), or (C) an average increase in truck traffic of more than 10% of the average daily traffic or 50 vehicles a day on a given road segment, then state whether any expected increased emissions are within the parameters established by the State Implementation Plan.**

The above thresholds will not be exceeded.

- (iii) If transportation of ozone depleting materials (such as nitrogen oxide and freon) is contemplated, identify: the materials and quantity, the frequency of service; safety practices (including any speed restriction); the applicant's safety record (to the extent available) on derailments, accidents and spills; contingency plans to deal with accidental spills; and the likelihood of an accidental release of ozone depleting materials in the event of a collision or derailment.**

Not applicable.

(6) NOISE

If any of the thresholds identified in item (5)(i) of this section are surpassed, state whether the proposed action will cause: (i) an incremental increase in noise levels of three decibels Ldn or more, or (ii) an increase to a noise level of 65 decibels Ldn or greater. If so, identify sensitive receptors (e.g., schools, libraries, hospitals, residences, retirement communities, and nursing homes) in the project area, and quantify the noise increase for these receptors if the thresholds are surpassed.

The above thresholds will not be exceeded.

(7) SAFETY

- (i) Describe any effects of the proposed action on public health and safety (including vehicle delay time at railroad grade crossings).**

Applicant believes that the abandonment will have no effect on public health or safety.

- (ii) If hazardous materials are expected to be transported, identify: the materials and quantity; the frequency of service; whether chemicals are being transported that, if mixed, could react to form more hazardous compounds; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and hazardous spills; the contingency plans to deal with accidental spills; and the likelihood of an accidental release of hazardous materials.**

Not applicable.

- (iii) If there are any known hazardous waste sites or sites where there have been known hazardous material spills on the right of way, identify the location of those sites and the types of hazardous materials involved.**

Applicant's records do not indicate any known hazardous material spills or hazardous waste sites.

(8) BIOLOGICAL RESOURCES

- (i) Based on consultation with the U. S. Fish and Wildlife Service, state whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects.**

Applicant has not received a response to its September 9, 2011 inquiry to the U.S. Fish and Wildlife Service in Jacksonville, FL requesting information regarding this statement. (See Attachment 7)

Based upon Applicant's intention to remove only the track material and the upper layer of ballast, we do not believe that any federally endangered or threatened species will be negatively affected or critical habitats modified if the line is abandoned.

- (ii) **State whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.**

Based upon Applicant's review of the area, the line is not within any wildlife sanctuaries or refuges, National or State parks or forests.

(9) **WATER**

- (i) **Based on consultation with State water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies.**

Applicant has not received a response to its September 9, 2011 inquiry to the State EPA in Mobile, AL requesting information regarding this statement. (See Attachment 8)

Applicant does not contemplate any action known to be inconsistent with federal, state and/or local water quality standards. Any necessary permits or applications will be obtained as well as compliance with conditions or procedures required by regulatory agencies.

- (ii) **Based on consultation with the U. S. Army Corps of Engineers, state whether permits under Section 404 of the Clean Water Act (33 U.S.C. 1344) are required for the proposed action and whether any designated wetlands or 100-year flood plains will be affected. Describe the effects.**

Applicant has not received a response to its September 9, 2011 inquiry to the U.S. Army Corps of Engineers in Mobile, AL requesting information regarding this statement. (See Attachment 9)

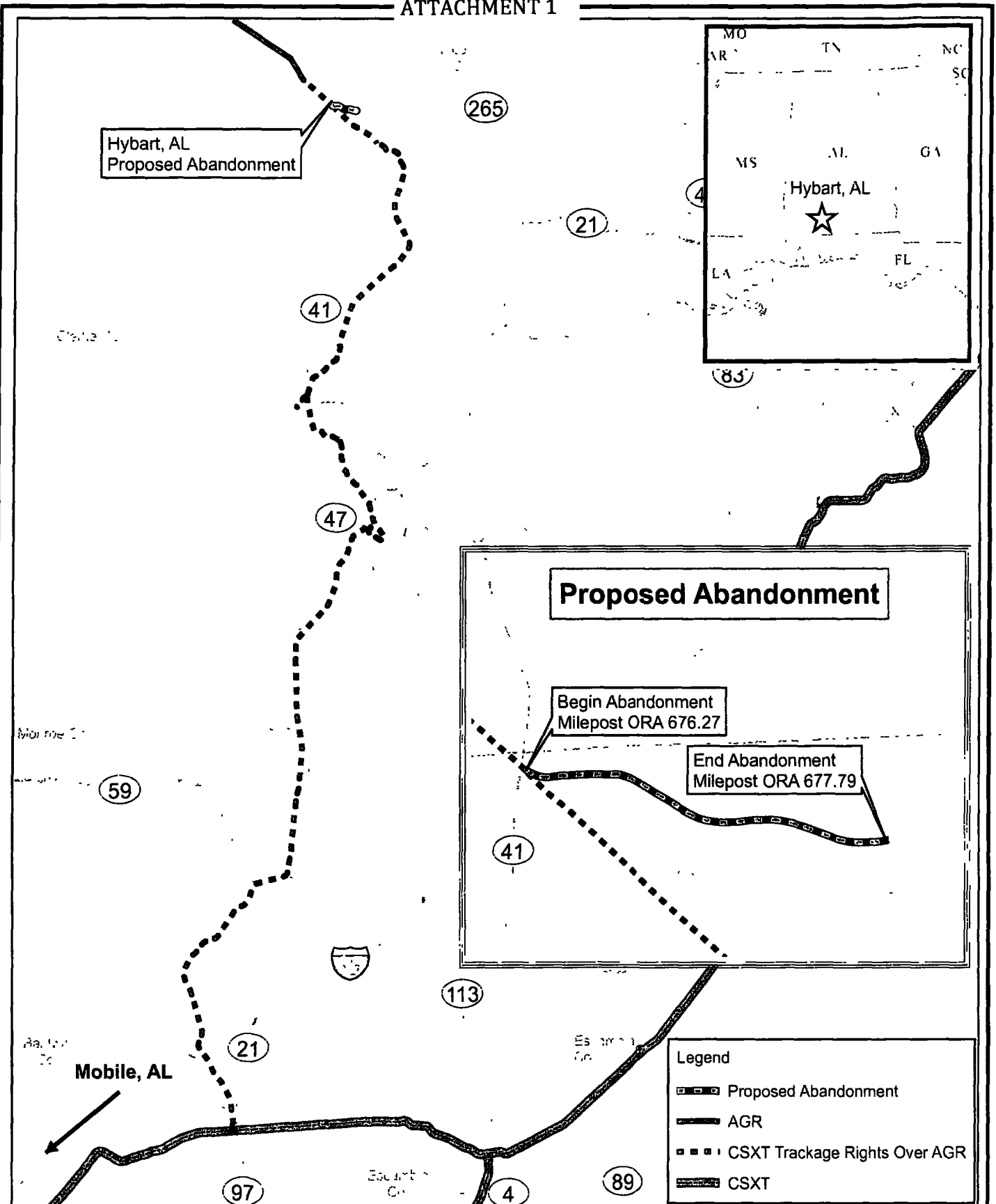
- (iii) **State whether permits under Section 402 of the Clean Water Act (33 U.S.C. 1342) are required for the proposed action. (Applicants should contact the U. S. Environmental Protection Agency or the state environmental protection or equivalent agency if they are unsure whether such permits are required).**

Applicant has not received a response to its September 9, 2011 inquiry to the U.S. Regional EPA Office in Atlanta, GA requesting information regarding this statement. (See Attachment 10)

10. MITIGATION

Describe any actions that are proposed to mitigate adverse environmental impacts, indicating why the proposed mitigation is appropriate.

Applicant does not believe there will be any adverse environmental impacts in the project area as a result of this abandonment. However, Applicant will comply with reasonable State and Federal regulations and obtain any necessary permits required.

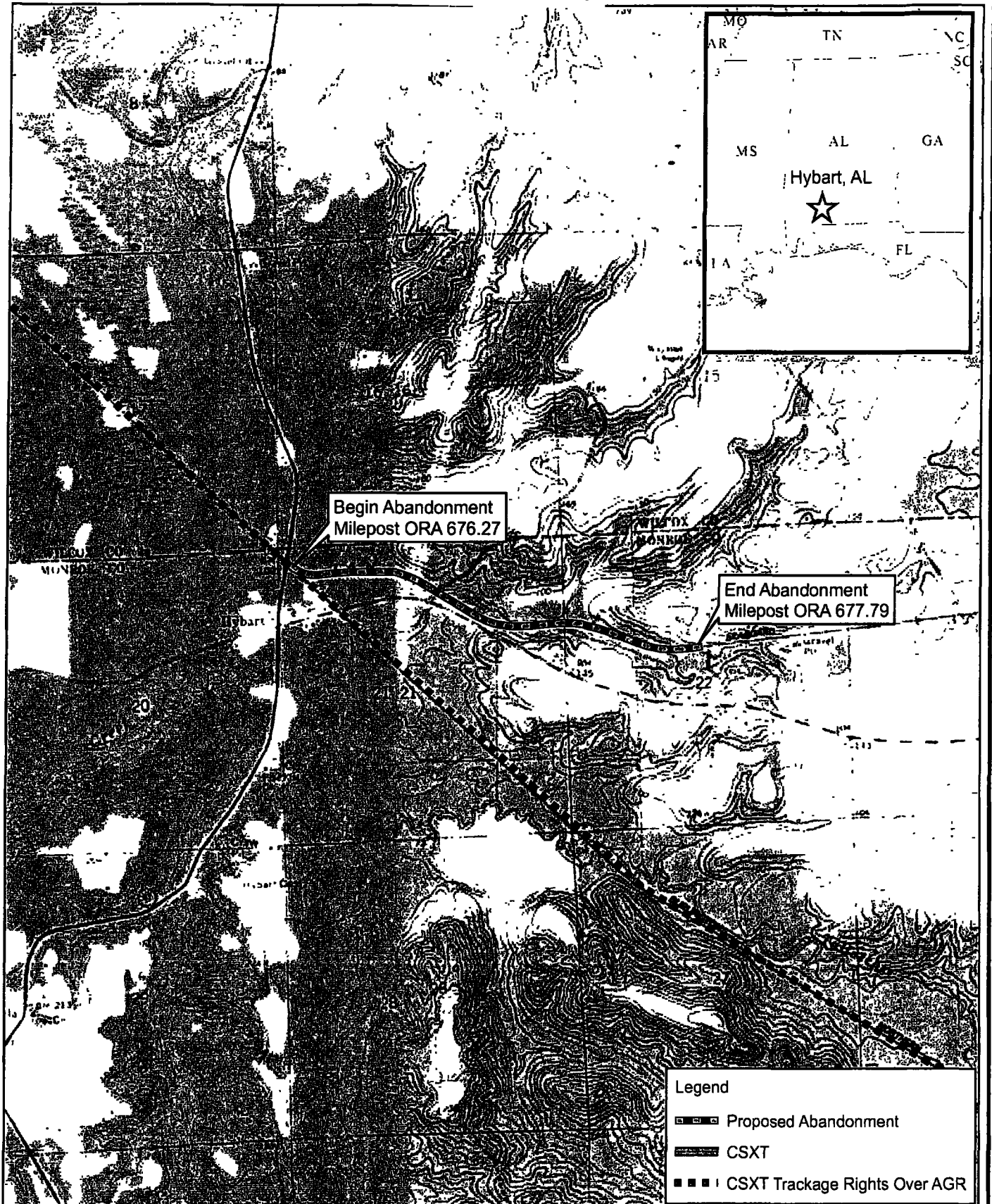


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**CSX Transportation, Inc. Proposed Abandonment
Southern Alabama Subdivision - Hybart Branch**

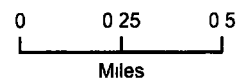
ORA 676 27 to ORA 677 79 at Hybart
a Distance of 1.5 Miles +/-
Monroe County, Alabama
STB Docket No AB 55 (Sub-No 713X)

CSX Real Property, Inc.
AL 099 1046592



**CSX Transportation, Inc. Proposed Abandonment
Southern Alabama Subdivision - Hybart Branch**

ORA 676 27 to ORA 677 79 at Hybart
a Distance of 1.5 Miles +/-
Monroe County, Alabama
STB Docket No. AB 55 (Sub-No. 713X)



Creation Date August 30 2011
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CSX Real Property, Inc.
AL-083-1046592

ATTACHMENT 3

Distribution List Exhibit "B"

**Alabama Historical Commission and
State Historic Preservation Officer
Director Frank W. White
468 South Perry Street
Montgomery, AL 36130**

**Wildlife
U.S. Fish & Wildlife Service
Southeast Region 4
701 San Marco Blvd, Suite 7 West
Jacksonville, FL 32207-8196**

**U.S. Corps of Engineers
Mobile District
P.O. Box 2288
Mobile, AL 36628-0001**

**Alabama Department of Transportation
1409 Coliseum Blvd.
Montgomery, AL 36110**

**Monroeville/Monroe County
Chamber of Commerce
86 North Alabama Ave.
Monroeville, AL 36460**

**Alabama Department of Environmental Management
Mobile Coastal Field Office
4171 Commanders Drive
Mobile, AL 36615**

**U.S. EPA
Region 4
Sam Nunn Atlanta Federal Center
61 Forsyth Street, SW
Atlanta GA 30303**

**Natural Park Service
100 Alabama Street, SW
1924 Building
Atlanta, GA 30303**

**U.S. Department of Agriculture
Natural Resources Conservation Service
P.O. Box 311
Auburn, AL 36831-0311**

**National Geodetic Survey
Simon.Monroe@noaa.gov**



500 Water Street - J200
Jacksonville, FL 32202
Phone: (904) 279-4839
FAX: (904) 306-5035
E-Mail: Ana_McDowell@csx.com

Ana McDowell
Engineering Specialist

September 9, 2011

Monroeville/Monroe County
Chamber of Commerce
86 North Alabama Ave.
Monroeville, AL 36460

Dear Sir/Madam;

RE: CSX Transportation, Inc.
Proposed Abandonment
STB Docket No. AB-55 (Sub No. 713X)

Please be advised that CSX Transportation, Inc. is considering abandonment of a portion of its rail line from Railroad Milepost 0RA-676.27 to Railroad Milepost 0RA-677.79, a distance of 1.5 miles in Hybart, Monroe County, Alabama, as depicted on the attached map labeled Exhibit "A".

This action requires Surface Transportation Board approval and Federal Regulations 49 C.F.R. 1105.7(3)(i) require that CSXT develop a response to the following statement:

"Based on consultation with local and/or regional planning agencies and/or a review of the official planning documents prepared by such agencies, state whether the proposed action is consistent with existing land use plans. Describe any inconsistencies."

The purpose of the proposed action is to abandon our common carrier obligation, update our records and salvage the track.

CSXT would appreciate your comments regarding current and future land use in relationship to the rail line.

As further information, CSXT will provide a preliminary environmental report in the coming weeks which will outline the scope of the proposed salvage activity and include any comments received from your office.

Further enclosed, please find a distribution list of all parties that have been copied of the proposed action labeled Exhibit "B".

Sincerely,

Attachment

ATTACHMENT 4



500 Water Street - J200
Jacksonville, FL 32202
Phone: (904) 279-4839
FAX: (904) 306-5035
E-Mail: Ana_McDowell@csx.com

Ana McDowell
Engineering Specialist

September 9, 2011

U.S. Department of Agriculture
Natural Resources Conservation Service
P.O. Box 311
Auburn, AL 36831-0311

Dear Sir/Madam;

RE: CSX Transportation, Inc.
Proposed Abandonment
STB Docket No. AB-55 (Sub No. 713X)

Please be advised that CSX Transportation, Inc. is considering abandonment of a portion of its rail line from Railroad Milepost 0RA-676.27 to Railroad Milepost 0RA-677.79, a distance of 1.5 miles in Hybart, Monroe County, Alabama, as depicted on the attached map labeled Exhibit "A".

The purpose of the proposed action is to abandon our common carrier obligation, update our records and salvage the track.

This action requires Surface Transportation Board approval and Federal Regulations 49 C.F.R. 1105.7(3)(ii) require that CSXT develop a response to the following statement:

"Based on consultation with the U. S. Soil Conservation Service, state the effect of the proposed action on any prime agricultural land."

Please advise if any of the land contiguous to CSXT's line in the project area is classified as prime agriculture land.

As further information, CSXT will provide a preliminary environmental report in the coming weeks which will outline the scope of the proposed salvage activity and include any comments received from your office.

Further enclosed, please find a distribution list of all parties that have been copied of the proposed action labeled Exhibit "B".

Sincerely,

Attachment



500 Water Street - J200
Jacksonville, FL 32202
Phone: (904) 279-4839
FAX: (904) 306-5035
E-Mail: Ana_McDowell@csx.com

Ana McDowell
Engineering Specialist

September 9, 2011

Natural Park Service
100 Alabama Street, SW
1924 Building
Atlanta, GA 30303

Dear Sir/Madam;

RE: CSX Transportation, Inc.
Proposed Abandonment
STB Docket No. AB-55 (Sub No. 713X)

Please be advised that CSX Transportation, Inc. is considering abandonment of a portion of its rail line from Railroad Milepost 0RA-676.27 to Railroad Milepost 0RA-677.79, a distance of 1.5 miles in Hybart, Monroe County, Alabama, as depicted on the attached map labeled Exhibit "A".

The purpose of the proposed action is to abandon our common carrier obligation, update our records and salvage the track.

This action requires Surface Transportation Board approval and Federal Regulations 49 C.F.R. 1105.7(c) require that advance notice be given to afford your agency a reasonable opportunity to provide meaningful input.

As further information, CSXT will provide a preliminary environmental report in the coming weeks which will outline the scope of the proposed salvage activity and include any comments received from your office.

Further enclosed, please find a distribution list of all parties that have been copied of the proposed action labeled Exhibit "B".

Sincerely,

Attachment



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Jacksonville, FL 32202
Phone: (904) 279-4839
FAX: (904) 306-5035
E-Mail: Ana_McDowell@csx.com

Ana McDowell
Engineering Specialist

September 9, 2011

U.S. Fish & Wildlife Service
Southeast Region 4
701 San Marco Blvd, Suite 7 West
Jacksonville, FL 32207-8196

Dear Sir/Madam;

RE: CSX Transportation, Inc.
Proposed Abandonment
STB Docket No. AB-55 (Sub No 713X)

Please be advised that CSX Transportation, Inc. is considering abandonment of a portion of its rail line from Railroad Milepost 0RA-676.27 to Railroad Milepost 0RA-677.79, a distance of 1.5 miles in Hybart, Monroe County, Alabama, as depicted on the attached map labeled Exhibit "A".

The action requires Surface Transportation Board approval and Federal Regulations 49 C.F.R. 1105.7 (8) (i) and (ii) require that CSXT develop responses to the following statements:

- (i) Based on consultation with the U. S. Fish and Wildlife Service state whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects.
- (ii) State whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.

The purpose of the proposed action is to abandon our common carrier obligation, update our records and salvage the track.

The removal of CSXT's rail material will be accomplished by use of the right of way for access, along with existing public and private crossings, and no new access roads are contemplated. CSXT does not intend to disturb any of the underlying roadbeds and do not anticipate any dredging or use of fill in the removal of the track material. The crossties and/or other debris will be transported away from the rail line and will not be discarded along the right of way, nor be placed or left in streams or wetlands, or along the banks of such waterways. During track removal, appropriate measures will be implemented to prevent or control spills from fuels, lubricants or any other materials from entering any watercourses.

Based upon the above described actions, CSXT would appreciate your concurrence in its position that there would be no adverse impact to any federally-listed endangered or threatened species, critical habitats, wildlife sanctuaries or refuges, National or State parks, or forests.

As further information, CSXT will provide a preliminary environmental report in the coming weeks which will outline the scope of the proposed salvage activity (as stated above) and include any comments received from your office.

Further enclosed, please find a distribution list of all parties that have been copied of the proposed action labeled Exhibit "B".

Sincerely,

Attachment



500 Water Street - J200
Jacksonville, FL 32202
Phone: (904) 279-4839
FAX: (904) 306-5035
E-Mail: Ana_McDowell@csx.com

Ana McDowell
Engineering Specialist

September 9, 2011

Alabama Department of Environmental Management
Mobile Coastal Field Office
4171 Commanders Drive
Mobile, AL 36615

Dear Sir/Madam;

RE: CSX Transportation, Inc.
Proposed Abandonment
STB Docket No. AB-55 (Sub No. 713X)

Please be advised that CSX Transportation, Inc. is considering abandonment of a portion of its rail line from Railroad Milepost ORA-676.27 to Railroad Milepost ORA-677.79, a distance of 1.5 miles in Hybart, Monroe County, Alabama, as depicted on the attached map labeled Exhibit "A".

This action requires Surface Transportation Board approval and Federal Regulations 49 C.F.R. 1105.7 (9) (i) and (iii) require that CSXT develop a response to the following statements:

(i) "Based on consultation with State Water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies."

(iii) "State whether permits under Section 402 of the Clean Water Act 33 U.S.C. 1342 are required for the proposed action."

The purpose of the proposed action is to abandon our common carrier obligation, update our records and salvage the track.

There are no refueling or maintenance areas within the project area. The removal of CSXT's rail material will be accomplished by use of the right of way for access, along with existing public and private crossings, and no new access roads are contemplated. CSXT does not intend to disturb any of the underlying roadbeds and do not anticipate any dredging or use of fill in the removal of the track material. The crossties and/or other debris will be transported away from the rail line and will not be discarded along the right of way, nor be placed or left in streams or wetlands, or along the banks of such waterways. During track removal, appropriate measures will be implemented to prevent or control spills from fuels, lubricants or any other pollutant materials from entering any watercourses.

Based upon the above described actions, CSXT would appreciate receiving your concurrence with its position that the proposed project is consistent with applicable Federal, State and local water quality standards, and that no permits under Section 402 are required at this time.

As further information, CSXT will provide a preliminary environmental report in the coming weeks which will outline the scope of the proposed salvage activity (as stated above) and include any comments received from your office.

Further enclosed, please find a distribution list of all parties that have been copied of the proposed action labeled Exhibit "B".

Sincerely,

Attachment



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Jacksonville, FL 32202
Phone: (904) 279-4839
FAX: (904) 306-5035
E-Mail: Ana_McDowell@csx.com

Ana McDowell
Engineering Specialist

September 9, 2011

U.S. Corps of Engineers
Mobile District
P.O. Box 2288
Mobile, AL 36628-0001

Dear Sir/Madam;

RE: CSX Transportation, Inc.
Proposed Abandonment
STB Docket No. AB-55 (Sub No. 713X)

Please be advised that CSX Transportation, Inc. is considering abandonment of a portion of its rail line from Railroad Milepost 0RA-676.27 to Railroad Milepost 0RA-677.79, a distance of 1.5 miles in Hybart, Monroe County, Alabama, as depicted on the attached map labeled Exhibit "A".

The purpose of the proposed action is to abandon our common carrier obligation, update our records and salvage the track.

This action requires Surface Transportation Board approval and Federal Regulations 49 C.F.R. 1105.7(9)(ii) require that CSXT develop a response to the following statement:

"Based on consultation with the U. S. Army Corps of Engineers, state whether permits under Section 404 of the Clean Water Act (33 U.S.C. 1344) are required for the proposed action and whether any designated wetlands or 100 year flood plains will be affected. Describe the effects "

It is CSXT's opinion that there will be no impact on designated wetlands or 100-year flood plains because our intent at this time is to only remove CSXT's metal track material, crossties and perhaps the upper layer of ballast, and to preserve the existing routes of water flow and drainage. CSXT does not intend to disturb any of the underlying roadbeds or perform any activities that would cause sedimentation or erosion of the soil, and CSXT does not anticipate any dredging or use of fill in the removal of the track material. The track removal will be accomplished by use of the right of way for access, along with existing public and private crossings, and no new access roads are contemplated. The crossties and/or other debris will be transported away from the rail line and will not be discarded along the right of way, nor be placed or left in streams or wetlands, or along the banks of such waterways.

Based upon the above described actions, CSXT would appreciate your concurrence in its position that there would be no adverse impact on wetlands or 100-year flood plains, and that no permits under Section 404 will be required.

As further information, CSXT will provide a preliminary environmental report in the coming weeks which will outline the scope of the proposed salvage activity (as stated above) and include any comments received from your office.

Further enclosed, please find a distribution list of all parties that have been copied of the proposed action labeled Exhibit "B".

Sincerely,

Attachment

ATTACHMENT 9



500 Water Street – J200
Jacksonville, FL 32202
Phone: (904) 279-4839
FAX: (904) 306-5035
E-Mail: Ana_McDowell@csx.com

Ana McDowell
Engineering Specialist

September 9, 2011

U.S. EPA
Region 4
Sam Nunn Atlanta Federal Center
61 Forsyth Street, SW
Atlanta, GA 30303

Dear Sir/Madam;

RE: CSX Transportation, Inc.
Proposed Abandonment
STB Docket No. AB-55 (Sub No. 713X)

Please be advised that CSX Transportation, Inc. is considering abandonment of a portion of its rail line from Railroad Milepost 0RA-676.27 to Railroad Milepost 0RA-677.79, a distance of 1.5 miles in Hybart, Monroe County, Alabama, as depicted on the attached map labeled Exhibit "A".

This action requires Surface Transportation Board approval and Federal Regulations 49 C.F.R. 1105.7 (9) (i) and (iii) require that CSXT develop a response to the following statements:

(i) "Based on consultation with State Water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies."

(iii) "State whether permits under Section 402 of the Clean Water Act 33 U.S.C. 1342 are required for the proposed action."

The purpose of the proposed action is to abandon our common carrier obligation, update our records and salvage the track.

There are no refueling or maintenance areas within the project area. The removal of CSXT's rail material will be accomplished by use of the right of way for access, along with existing public and private crossings, and no new access roads are contemplated. CSXT does not intend to disturb any of the underlying roadbeds and do not anticipate any dredging or use of fill in the removal of the track material. The cross-ties and/or other debris will be transported away from the rail line and will not be discarded along the right of way, nor be placed or left in streams or wetlands, or along the banks of such waterways. During track removal, appropriate measures will be implemented to prevent or control spills from fuels, lubricants or any other pollutant materials from entering any watercourses.

Based upon the above described actions, CSXT would appreciate receiving your concurrence with its position that the proposed project is consistent with applicable Federal, State and local water quality standards, and that no permits under Section 402 are required at this time.

As further information, CSXT will provide a preliminary environmental report in the coming weeks which will outline the scope of the proposed salvage activity (as stated above) and include any comments received from your office.

Further enclosed, please find a distribution list of all parties that have been copied of the proposed action labeled Exhibit "B".

Sincerely,

Attachment

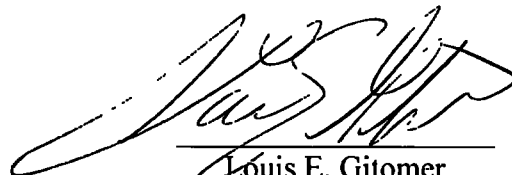
ATTACHMENT 10
32

EXHIBIT D– HISTORIC REPORT

HISTORIC REPORT CERTIFICATE OF SERVICE

Pursuant to the requirements of 49 C.F.R. § 1105.8(c), the undersigned hereby certifies that a copy of the Historic Report in Docket No. AB-55 (Sub-No. 713X) was mailed via first class mail on September 12, 2011, to the following parties:

Alabama Historical Commission and
State Historic Preservation Officer
Director Frank W. White
468 South Perry Street
Montgomery, AL 36130



Louis E. Gitomer
October 21, 2011

HISTORIC REPORT

**CSX TRANSPORTATION, INC.
HYBART, MONROE COUNTY, ALABAMA
DOCKET AB-55 (SUB-NO. 713X)**

1105.7(e)(1)

PROPOSED ACTION AND ALTERNATIVES. Describe the proposed action, including commodities transported, the planned disposition (if any) of any rail line and other structures that may be involved, and any possible changes in current operations or maintenance practices. Also describe any reasonable alternatives to the proposed action. Include a readable detailed map and drawings clearly delineating the project.

CSXT proposes to abandon approximately 1.5 miles of its rail line between from Railroad Milepost 0RA-676.27 to Railroad Milepost 0RA-677.79, in Hybart, Monroe County, Alabama.

The above referenced 1.5-mile line has not generated any originating or terminating traffic in over 2 years.

Abandonment of this line will result in the removal of the rail, cross-ties, and possibly the upper layer of ballast. CSXT does not intend to disturb any sub grade or sub grade structures. Finally, the operations and maintenance of this line will cease.

The only alternative would be not to abandon and to pass the opportunity costs of retaining the line to all other CSXT customers. This would not be a prudent utilization of carrier resources.

Two maps which delineate the proposed project are attached. (See Exhibits "A" and "B")

1105.8(d)

- (1) A U.S.G.S. topographic map (or an alternate map drawn to scale and sufficiently detailed to show buildings and other structures in the vicinity of the proposed action) showing the location of the proposed action, and the locations and approximate dimensions of railroad structures that are 50 years old or older and are part of the proposed action.**

Attached is a copy of a topographic map prepared by the U. S. Department of Interior Geological Survey.

The line to be abandoned has been identified by a heavy red line with black dashes. (See Exhibit "B")

There are no CSXT-owned structures that are 50 years old or older that may be eligible for listing in the National Register that are part of the proposed action.

- (2) A written description of the right of way (including approximate widths, to the extent known), and the topography and urban and/or rural characteristic of the surrounding area:**

The track exists in a primarily flat topography within a rural area adjacent to County Road 56. The right of way width along the track varies from 50 feet from the centerline of track to 100 feet from the centerline of the track.

- (3) Good quality photographs (actual photographic prints, not photocopies) of railroad structures on the property that are 50 years old or older and of the immediately surrounding area:**

Not applicable

- (4) The date(s) of construction of the structure(s), and the date(s) and extent of any major alterations, to the extent such information is known:**

Not applicable

(5) A brief narrative history of carrier operations in the area, and an explanation of what, if any, changes are contemplated as a result of the proposed action:

CSX sold its line segment from Flomaton to Corduroy, including a small portion of mainline running north and west that connected to Hybart from 0RA-676.28 to 0RA-667.9 to the Alabama Railroad (ALAB) on 10/26/91.

CSX abandoned a portion of its mainline from the end of point of sale (0RA-667.9) to Vrendenburgh (0RA-676.28) on 9/13/91 under STB Docket No. AB 55 Sub No. 348X (File Number AL 34).

The remaining portion of the STB regulated mainline from Vrendenburgh (0RA-676.28) to Hybart (0RA- 677.79), approximately 1.5 miles remained in place in order to facilitate interchange between CSXT and the Alabama & Gulf Railroad (AGR). CSX operated over approximately 77 miles of trackage rights from Atmore to Hybart (JF AGR 202 & 204) in order to affect interchange with AGR for MacMillan Blodel traffic.

In order to eliminate crews and free up space in Flomaton, a reroute requires the AGR to take MacMillan traffic north, give it to the Meridian & Bigbee Railroad (MNBR) and have the MNBR bring the traffic (already blocked) to CSX at the CSX Montgomery yard.

CSX, as owner, must maintain the island ownership at Hybart even though CSX does not operate or use it. Maintenance is burdensome because the closest engineering personnel are almost 80 miles away in Flomaton.

(6) A brief summary of documents in the carrier's possession, such as engineering drawings, that might be useful in documenting a structure that is found to be historic:

Not applicable.

- (7) An opinion (based on readily available information in the railroad's possession) as to whether the site and/or structures meet the criteria for listing on the National Register of Historic Places (36 C.F.R. 60.4), and whether there is a likelihood of archeological resources or any other previously unknown historic properties in the project area, and the basis for these opinions (including any consultations with the State Historic Preservation Office, local historical societies or universities):**

A review of our records indicates there are zero (0) CSXT-owned structure over 50 years old on this line segment that may be eligible for listing in the National Register.

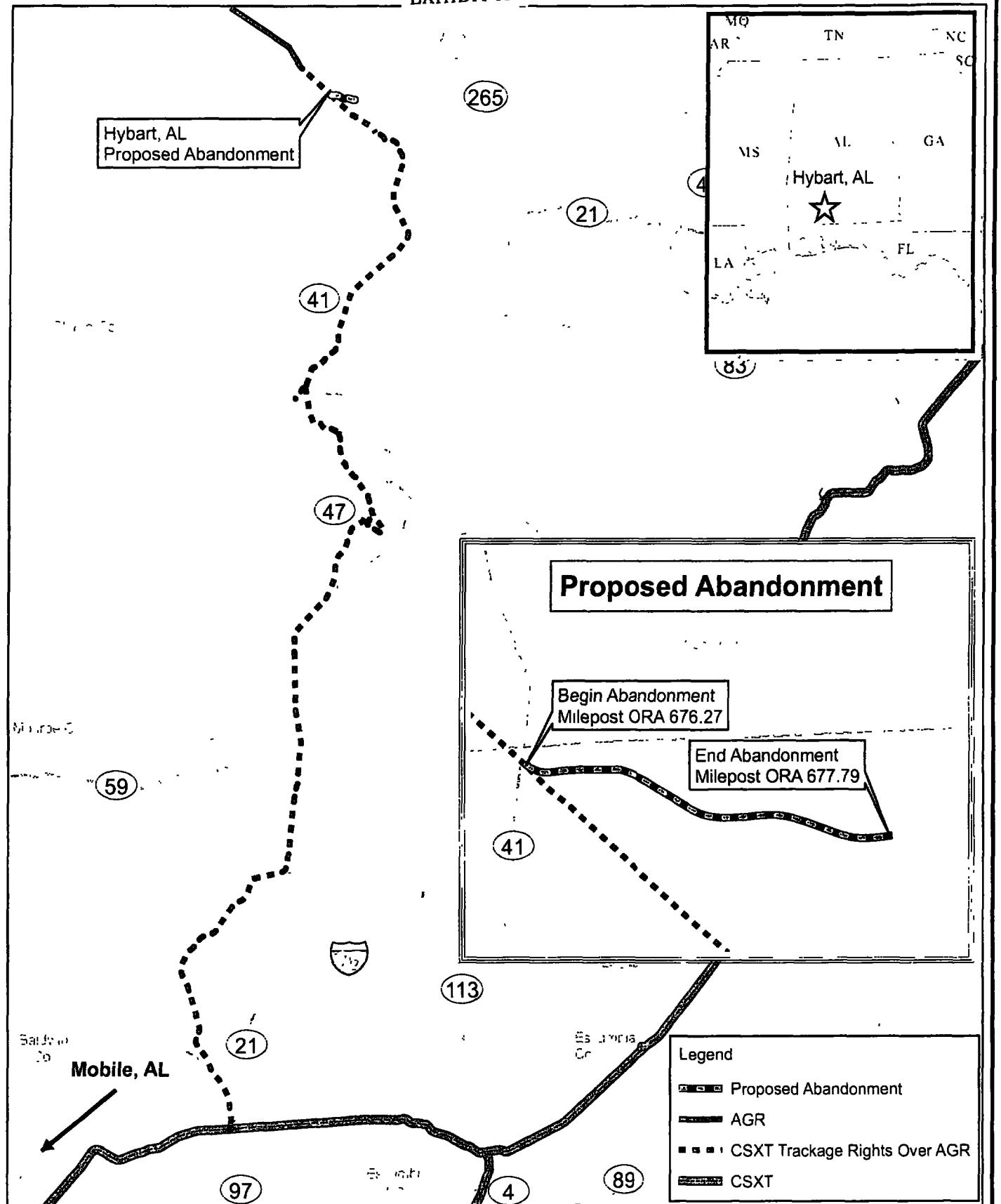
We do not know of any significance or uniqueness to this structure that would warrant your consideration, since to our knowledge, it is not associated with any event that has made a contribution to the broad patterns of history; or were not associated with lives of persons significant to our past; do not embody the distinctive characteristics of a type, period or method of construction; and do not represent a significant and distinguishable entity whose components may lack individual distinction and have not or may not be likely to yield information important in prehistory or history.

We do not know of any archeological resources or any other previously unknown historic properties in the project area.

- (8) A description (based on readily available information in the railroad's possession) of any known prior subsurface ground disturbance or fill, environmental conditions (naturally occurring or man-made) that might affect the archeological recovery of resources (such as swampy conditions or the presence of toxic wastes), and the surrounding terrain.**

The line was disturbed during construction by cuts and fill and any archeological resources that may have been located in the proposed project area would have been affected at that time versus during the proposed salvage operations associated with rail removal. Our records do not indicate that any swampy conditions exist, or that any hazardous material spills have occurred within the project area.

EXHIBIT A



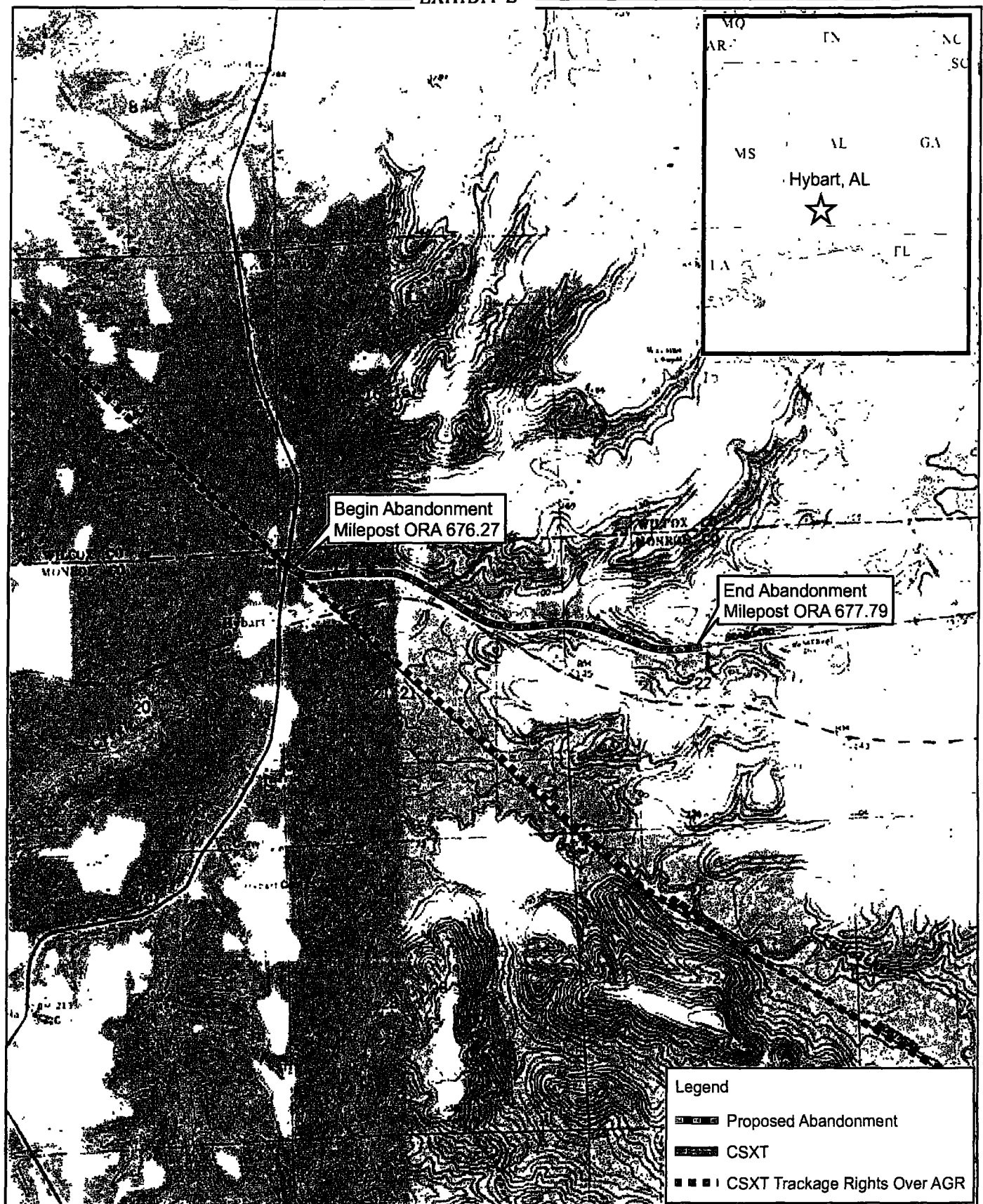
CSX Transportation, Inc. Proposed Abandonment Southern Alabama Subdivision - Hybart Branch

ORA 676.27 to ORA 677.79 at Hybart
a Distance of 1.5 Miles +/-
Monroe County, Alabama
STB Docket No AB 55 (Sub-No 713X)

Creation Date August 30, 2011
S:\P\VAL\311\AL\039\094\0022\AL-389 1046542

CSX Real Property Inc
AL 039-346592

EXHIBIT B



Creation Date August 30 2011
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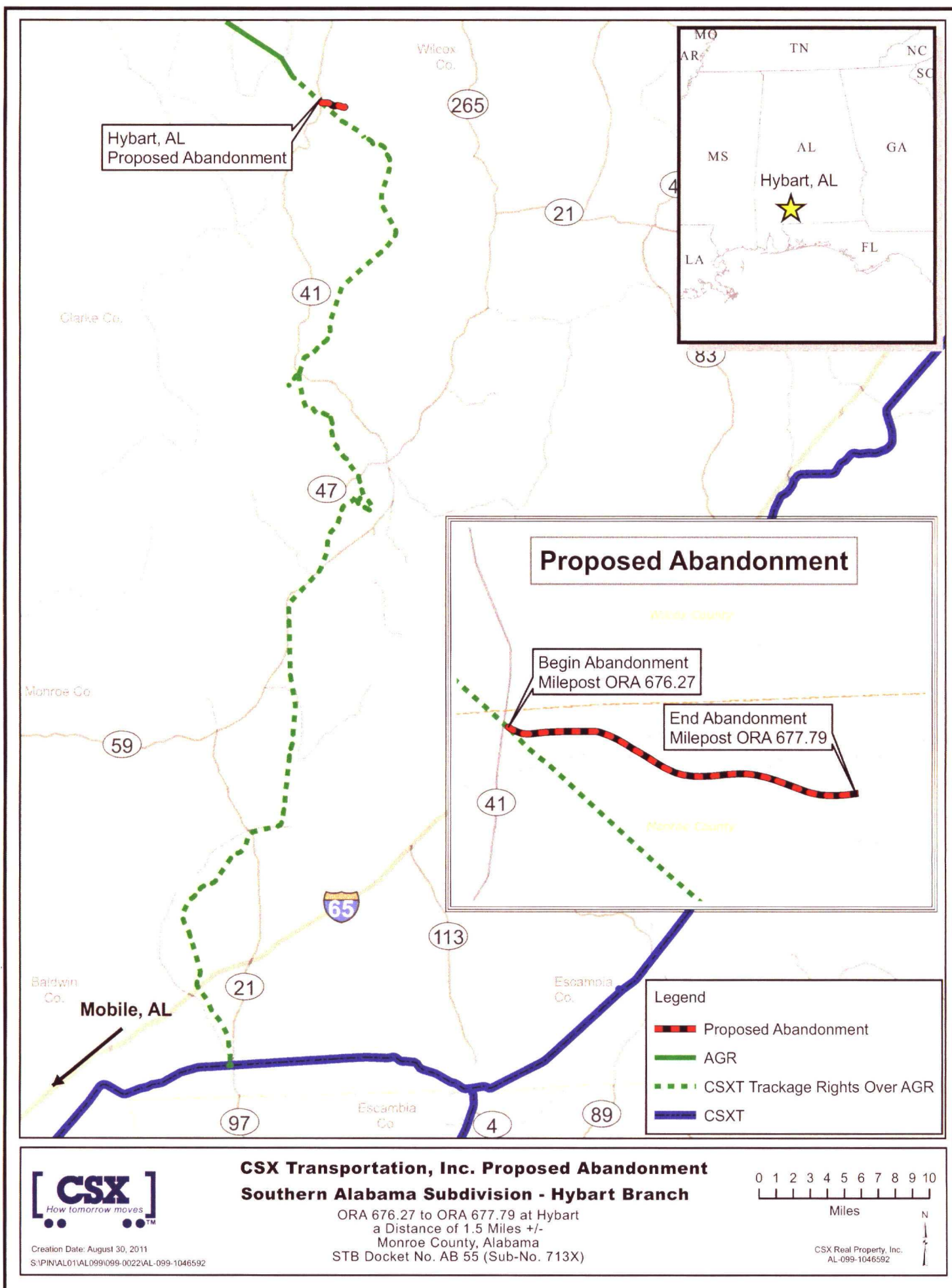
CSX Transportation, Inc. Proposed Abandonment Southern Alabama Subdivision - Hybart Branch

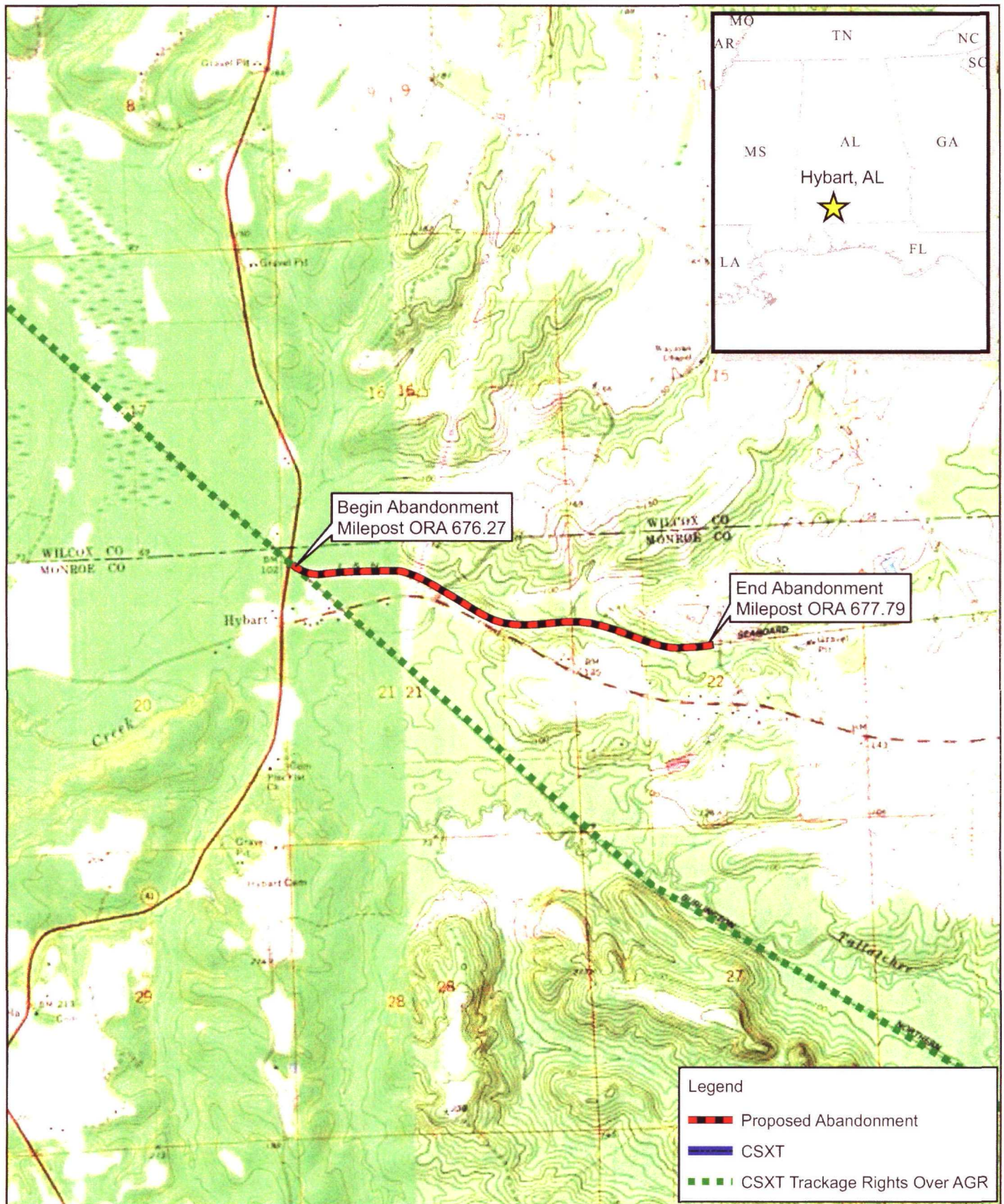
ORA 676.27 to ORA 677.79 at Hybart
a Distance of 1.5 Miles +/-
Monroe County, Alabama
STB Docket No. AB 55 (Sub-No. 713X)

0 0.25 0.5
Miles

CSX Real Property Inc
AL 399-1046592

EXHIBIT F—COLOR





Creation Date: August 30, 2011
S:\PIN\AL01\AL099\099-0022\AL-099-1046592

CSX Transportation, Inc. Proposed Abandonment Southern Alabama Subdivision - Hybart Branch

ORA 676.27 to ORA 677.79 at Hybart
a Distance of 1.5 Miles +/-
Monroe County, Alabama
STB Docket No. AB 55 (Sub-No. 713X)

0 0.25 0.5
Miles

CSX Real Property, Inc.
AL-099-1046592